



Posted: 09/16/2010 NF

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF PHARMACY
DATE AND TIME:	Wednesday, July 15, 2010 at 9:30 a.m.
PLACE:	Conference Room A, Cannon Building 861 Silver Lake Blvd., Dover, DE 19904
APPROVED:	September 15, 2010

MEMBERS PRESENT

Sebastian Hamilton, R.Ph, Professional Member, President
Howard Simon, R.Ph, Professional Member, Vice President
Sandra Robinson, R.Ph, Professional Member
Don Holst, R.Ph, Professional Member
Joli Martini, R.Ph, Professional Member
David Bonar, Public Member

MEMBERS ABSENT

Carolyn Calio, Public Member
Geoffrey N. Christ, Esq., R.Ph, Professional Member
David W. Dryden, R.Ph., J.D., Executive Secretary

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Allison Reardon, Deputy Attorney General
Nancy Fields, Administrative Specialist II
Barbara Gadbois, Deputy Attorney General
Sam Nickerson, Investigative Supervisor
James Kaminski, RPh., Pharmacy Inspector
Kay Warren, Deputy Division Director

ALSO PRESENT

John Giarobello
Very Rev. Jerry Czlanki
Sue Kashuba
Joe Kashuba
Richard R. Weir, Sr.
Jeremy Kashuba
Michelle Allen, Esq.
Timothy S. Arnold
Mark Graham
Jeanne Chigioni
Lisa Schieffert
Vera T. Sitze, Court Reporter, Wilcox and Fetzer

CALL TO ORDER

Mr. Hamilton called the meeting to order at 9:30 a.m.

REVIEW OF MINUTES

A motion was made by Mr. Holst, seconded by Mr. Simon, to approve the June 16, 2010 minutes as amended. The motion unanimously carried.

PRESIDENT'S REPORT

Mr. Hamilton advised the Prescription Monitoring Program bill passed in the House.

Mr. Hamilton announced that there will be a National Drug Disposal Day on September 25, 2010, which is sponsored by the DEA and held all over the country. There are several sites in New Castle and Sussex counties. This will probably be a bi-annual event.

UNFINISHED BUSINESS

Disciplinary Hearings for Jeremy Kashuba (Complaint #13-06-10) and Renaissance Family Pharmacy(Complaint # 13-07-10)

Mr. Simon recused himself from the proceedings due to being the contact person. The parties agreed that both cases will be heard together.

Ms. Reardon explained the reason for the hearings was the result of a written complaint received by the Division of Professional Regulation, which included numerous violations of the Rules and Laws.

The Board was introduced and exhibits were entered into evidence. The Board dealt with preliminary matters.

The attorneys provided opening statements. The State called Mr. Kaminski who was sworn in and testified.

The Board took a ten minute recess.

A motion was made by Mr. Bonar, seconded by Ms. Martini to go back on the record after returning from a ten minute recess. The motion unanimously carried.

The hearing proceeded with Mr. Kaminski's testimony. The Board dealt with objections as they arose during direct examination.

A motion was made by Mr. Bonar, seconded by Mr. Hamilton to break for thirty minutes for lunch. The motion unanimously carried. The parties agreed to conclude the hearing at 2:00 p.m.

A motion was made by Ms. Martini, seconded by Ms. Robinson, to go back on the record. The motion unanimously carried. Mr. Kaminski was cross-examined by Ms. Allen. The Board dealt with objections as they arose during cross-examination.

A motion was made by Mr. Bonar, seconded by Ms. Robinson to conclude the hearing and to continue another date. The hearing was closed at 2:01 p.m.

Legitimate Medical Purpose – Internet Pharmacy Proposal

This issue is tabled until the fall. At that time, the Committee will prepare a bill for the next Legislative session.

Drug Disposal and Distribution Review

A meeting is scheduled for July 22, 2010 at 11:00 AM.

Regulation 14 Review - Administration of Injectable Medications

Mr. Holst advised that a Committee meeting was scheduled for June 24, 2010 but was cancelled due to a notice issue. The minutes from the last meeting are in the Board's packet. The Committee will be scheduling another meeting in August or September. The Committee is examining whether a language change is necessary in order to allow pharmacists to administer flu immunizations to children over the age of 9 years old. The Committee's position is not to allow Interns to immunize.

Prescription Monitoring Program (PMP)

Mr. Dryden reported that the bill passed the Senate and House and is waiting to be signed by the Governor. The RFP, which is the bidding process for vendors, has been designed and they are waiting on the funding.

Regulation 7 Review

The Committee reviewed the current Regulation 7 at their May 5, 2010 meeting and will be inviting non-pharmacy veterinary oriented personnel to its future meetings. Mr. Kaminski had voiced concerns, and the other members agreed, that potentially dangerous drugs intended for animal use only could be diverted for human use without valid authority. The Committee reviewed the current federal and state laws, including the definition of drugs and prescription drugs and the 24 Del. Code 2523 exemptions. Members thought that current law already permits Board oversight licensing and inspection

State of Emergency Issue Update

Mr. Dryden advised that he is still waiting to hear from Liz Olsen regarding the State of Emergency issues.

Regulation 5 Disposal Issue Review

House bill was tabled at this point. Ms. Reardon is reviewing language to see if it can be incorporated into the Regulation 5.1.14.1 instead of the Statute. Ms. Reardon's review is pending.

Med Dispense/Millennium

Mr. Dryden reported that during an inspection, a nursing home provider exceeded the limit in the device and was told to remove the overage and they complied. Millennium is submitting an amended list of drugs in the device. The new model and serial number is available online.

Re-Review of Tabled Application for Neravetla Ramakrishna

Due to a time constraint, the Board was not able to fully review and make a decision on this application; therefore, it was tabled again until the following meeting.

NEW BUSINESS

Pharmacist-In-Charge (PIC) and Consultant Interviews

There were no interviews

Pharmacist Licensure Ratifications

A motion was made by Mr. Holst, seconded by Mr. Simon, to ratify the following Pharmacist licenses issued by the Division of Professional Regulation for: James Allen Curtis, Erin Senkbeil, Abigail Weber, Jennifer Lynn Lawrence-Jackson, and Daniel Dagadu. The motion unanimously carried.

Pharmacist Application Reviews

There were no applications to review.

A motion was made by Mr. Holst, seconded by Ms. Martini to go back to 4.1 on the agenda.

Committee Reports

Due to a time constraint, the Committee Reports were tabled until the next meeting.

Joint Practice Committee – Don Holst and Howard Simon – No report.

Physician's Assistant Report – Sebastian Hamilton, R.Ph: - No report

Newsletter – Sandy Robinson, R. Ph., David Dryden, R.Ph., J.D, and Joli Martini, R. Ph.: No report.

Legislative – Sandy Robinson, R.Ph, Howard Simon, R.Ph, Sebastian Hamilton, R.Ph, Don Holst, R.Ph, Geoffrey Christ, R.Ph., Esq., and David Dryden, R.Ph., J.D.: No report.

Continuing Education – Sandy Robinson, R. Ph., Geoffrey Christ, R.Ph., Esq., and Joli Martini, R. Ph.: No report.

Consumer Affairs – Carolyn Calio, and David Bonar: No report.

Professional Liaison – Sandra Robinson, R.Ph. and Joli Martini, R.Ph: No report.

MPJE Study Committee – Don Holst, R.Ph, Sebastian Hamilton, R.Ph, and James Kaminski: No report.

Controlled Substance Liaisons – Geoffrey Christ, Howard Simon, and Dave Dryden: No report.

Substantially Related Crimes Committee - Geoffrey Christ, Howard Simon, Allison Reardon, and Dave Dryden: No report.

Board Correspondence

There was no correspondence.

Inspection Report

No report.

Other Business before the Board

There was no other business.

Public Comments

There were no public comments.

Next Scheduled Meeting

The next meeting is scheduled for September 15, 2010 in Conference Room A.

Adjournment

A motion was made by Ms. Robinson, seconded by Mr. Holst, to adjourn the meeting. The motion unanimously carried. The meeting was adjourned at 2:05 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nancy L. Fields".

Nancy Fields
Administrative Specialist II